

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

**RODNEY JULIUS OWENS**

**Plaintiff,**

**V.**

**JAY JONES, et. al.,**

## Defendants.

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

**Civil Action No. 3:06-cv-00540-MEF-SRW**

**DEFENDANTS SHERIFF JAY JONES, MAJOR CARY TORBERT, JR., AND NURSE  
LINDA STEWART’S MOTION FOR EXTENSION OF TIME TO FILE THEIR  
SPECIAL REPORT AND ANSWER**

COME NOW Sheriff Jay Jones, Major Cary Torbert, Jr.<sup>1</sup>, and Nurse Linda Stewart, Defendants in the above-styled cause<sup>2</sup>, and move this Court to grant them an extension of time of 1 day in which to file in which to file their Special Report and Answer which are currently due on September 19, 2006. As grounds for this Motion, the Defendants state as follows:

1. One of the Defendants has been out of the country and therefore it has taken the undersigned counsel additional time to obtain his executed affidavit. The executed affidavit should be available to the undersigned on September 20, 2006.
2. Without this affidavit, the Special Report will be incomplete.
3. The Plaintiff will not be prejudiced by this extension.

WHEREFORE Defendants Sheriff Jay Jones, Major Cary Torbert, Jr., and Nurse Linda Stewart request this Court to grant them an extension of time to file their Special Report and Answer on or before September 20, 2006.

Respectfully submitted this 19th day of September, 2006.

<sup>1</sup> Major Cary Torbert, Jr., was incorrectly designated in the Plaintiff's Complaint as Major James Torbert.

<sup>2</sup> Although the Plaintiff also named Dr. John McFarland as a Defendant in his lawsuit, Dr. McFarland has not been served.

**s/Ashley Hawkins Freeman**

ASHLEY HAWKINS FREEMAN Bar No. FRE044

Attorney for Defendants

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 19th day of September, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Rodney Julius Owens  
Lee County Detention Center  
P.O. Box 2407  
Opelika, AL 36801

**s/Ashley Hawkins Freeman**  
OF COUNSEL